

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Kevin R. Warriner

v.

Civil No. 08-cv-250-SM

Michael J. Astrue, Commissioner,
Social Security Administration

NOTICE OF RULING

Re: (Document No. 8) Motion to Dismiss Complaint

Ruling: Granted. Having reviewed the complaint, the motion to dismiss, pleadings and attachments in the record, the court will grant the motion. Ordinarily, the motion would not be granted because the reasons given (fear of personally offending a government official named as a defendant in his official capacity) are not relevant. The record discloses, however, that the government candidly made that clear to the plaintiff, but the plaintiff chose to file the motion anyway. Review of the complaint suggests, as well, that plaintiff's claim is likely not viable in that he seems to concede that while receiving social security benefits he also earned substantial undisclosed (to the Social Security Administration) income from gambling. Case dismissed without prejudice.

Entered by: Steven J. McAuliffe, Chief Judge

Date: March 27, 2009

cc: Kevin R. Warriner, pro se
Robert J. Rabuck, Esq.